

Local Form 4A

June 2015

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:) Case No: 15-31312
)
Kevin Roger Thalacker and wife) Chapter 13
Denise Agnese Thalacker)
SSN: xxx-xx-7308 and xxx-xx-3464)
Debtor(s))

SECOND AMENDMENT TO:

**CHAPTER 13 PLAN, INCLUDING NOTICE OF MOTION(S) FOR VALUATION;
MOTION(S) TO AVOID CERTAIN LIENS; MOTION(S) FOR ASSUMPTION AND
REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND NOTICE OF
OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN INCLUDING ALL MATTERS
AS SET FORTH IN THE PLAN,
FOR CASES FILED ON OR AFTER JUNE 1, 2015**

Check for motions applicable to this plan amendment:

- () Motion to Value Liens Includes Valuation of Property Securing A Claim
(X) Motion to Value Liens includes Valuation of Property Securing A Claim in an Amount Less than the Amount of the Claim
(X) Motion to Avoid Liens § 522(f)
() Motion to Assume Executory Contracts(s) and Unexpired Leases
() Motion to Reject Executory Contract(s) and Unexpired Leases
() No motions applicable to this plan amendment

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

PLAN PAYMENTS, PAYMENT INCREASES, ATTORNEY FEES

1. a. The plan proposes to pay **\$4,050.00** per month for **60** months (est. payout to unsecureds **1** %)
b. If applicable, the plan will also be funded by: n/a.
c. The attorney for the debtor(s) has received **\$200.00** of the total base attorney fee of **\$3,900.00**.

CLASSIFICATION AND TREATMENT OF CLAIMS

2. **Secured Claims**

- a. Treatment of Secured Claims [using treatment terms shown in ¶ 4a of the Plan attached]:

Creditor	Collateral	Value of Coll.	Claim Amt.	Treatment	Int. Rate (numeric)
1) Vincent Tabone	Judgment Lienholder	\$140,542.53*	\$288,633.82	As Valued	5.25% (Till)
	(*Value of Collateral is the non-exempt equity in the debtors' residence located at 8806 Silver Charm Lane, Marvin, NC 28173)				

4. Special Terms

a. ☐ None

b. Brief Comment Explaining Direct Payment Treatment for Secured Claims under paragraph 2(a)

c. Special Treatment of Unsecured Claims and Explanation of Treatment

d. Other Special Terms:

a) The secured claim of Tabone shall be in the amount of \$140,542.53 and shall be paid directly by the Father of the Male Debtor and in full by a deadline determined by the Bankruptcy Court at a hearing on April 12, 2016. If this claim is not paid in full by this to be determined deadline, then Tabone shall be automatically granted relief from the automatic stay to pursue his non-bankruptcy remedies;

b) The remaining balance of Tabone's judgment claim in the amount of \$148,091.29 shall be deemed a general unsecured claim and paid pro rata with the rest of the general unsecured claims pursuant to the confirmed plan; and

c) All interested parties on the most recent creditor matrix provided by the Bankruptcy Court shall be immediately provided notice of the amended plan and shall have 14 days from the date that the amended plan was filed to object to the special treatment of Tabone's secured claim and to request a hearing.

5. Plan Motions:

a. Section 522(f) Personal Property and Household Goods Lien Avoidance:

Creditor	Acct. # Last 4 Digits	Debt Amount	Description of Property
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NONE

b. Section 522(f) Judicial Lien Avoidance

Creditor	Judgment Bk and Pg	Registry	Judgment Date	Judgment Amt.
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Vincent Tabone	11-CVS-795-JMT-001	Union County	9/25/2013	\$288,633.82
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Real property to which the lien attaches: **8806 Silver Charm Lane, Marvin, NC 28173**

Value of debtor(s) **equity** in this real property **before judgment** is: **\$140,542.53**

Amount of exemption **available to** claim in the real property: **\$70,000.00**

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained in the amended plan, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the proposed plan of the debtor or debtors ("Debtor") as amended, including any of the motions included in the amended plan, or if you want the Court to consider your views on these matters, then you or your attorney must file with the Court a written objection to confirmation and request for hearing on confirmation at the following addresses:

Cases filed in the **Charlotte, Shelby, or Statesville** Divisions:

Clerk, U.S. Bankruptcy Court, 401 West Trade St., Room 111, Charlotte, N.C. 28202

Cases filed in the **Asheville or Bryson City** Divisions:

Clerk, U.S. Bankruptcy Court, Room 112, 100 Otis Street, Asheville, N.C. 28801

Your objection to confirmation and request for hearing must include the specific reasons for your objection and must be filed with the Court no later than 14 days following the conclusion of the § 341 meeting of creditors, or within 14 days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the Debtor at the address listed in the notice of the meeting of creditors. The Debtor's attorney and the Chapter 13 Trustee will be served electronically. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time, and location of the hearing. No hearing will be held unless an objection to confirmation is filed.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the Debtor as amended, including any motions contained in the amended plan, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in the Amendment to Chapter 13 Plan, including Notice of Motion(s) for Valuation; Motion(s) to Avoid Certain Liens; and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Leases; are true and correct as to all matters set forth herein.

I hereby certify that I have reviewed this document with the Debtor and that the Debtor has received a copy of this document.

Dated 4/8/2016

/s/ Matthew H. Crow

Attorney for the Debtors

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)		
Kevin Roger Thalacker and wife)	Chapter 13	
Denise Agnese Thalacker)		
SSN: xxx-xx-7308 and xxx-xx-3464)		
Debtor(s))		

CERTIFICATE OF SERVICE

This is to certify that I have on **April 8, 2016** served each party or counsel of record indicated on the list attached hereto in the foregoing matter with a copy of this Chapter 13 Amended Plan by depositing in the United States mail a copy of same in a properly addressed envelope with first class postage thereon. Attorneys were served electronically

This the 8th day of April, 2016.

/s/ Matthew H. Crow

Matthew H. Crow
Crow Law Firm
315-B North Main Street
Monroe, NC 28112
704-283-1175 (Phone)
704-226-0488 (Fax)
N.C. State Bar No. 26117

Mr. and Mrs. Kevin Thalacker
(via email delivery)

ALL PARTIES ON ATTACHED MATRIX

Label Matrix for local noticing
 419-3
 Case 15-31312
 Western District of North Carolina
 Charlotte
 Fri Apr 8 16:30:07 EDT 2016

Charlotte Division
 401 West Trade Street
 Charlotte, NC 28202-1633

Absolute Resolutions Corp.
 25 S.E. 2nd Avenue, Suite 1120
 Miami, FL 33131-1605

JP / Chase
 PO Box 15298
 Wilmington, DE 19850-5298

Bill Me Later
 PO Box 2394
 Omaha, NE 68103-2394

CACH, LLC
 4340 S. Monaco Pkwy, 2nd Fl
 Denver, CO 80237-3485

CAROLINAS HEALTHCARE SYSTEM
 PO BOX 32861
 CHARLOTTE, NC 28232-2861

COMENITY CAPITAL BANK/PAYPAL CREDIT
 C/O WEINSTEIN & RILEY, P.S.
 2001 WESTERN AVENUE, STE 400
 SEATTLE, WA 98121-3132

Capital One
 PO Box 30285
 Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
 PO Box 71083
 Charlotte, NC 28272-1083

Capital One NA
 c/o Becket and Lee LLP
 POB 3001
 Malvern PA 19355-0701

Carolinas Healthcare System
 P.O. Box 70826
 Charlotte, NC 28272-0826

Charlotte Gastro & Hepatology
 PO Box 497
 Huntersville, NC 28070-0497

Charlotte Gastroenterology and Hepatology
 Charlotte Gastroenterology and Hepatolog
 P.O. Box 497
 Huntersville, NC 28070-0497

Comenity Bank / Loft
 PO Box 182125
 Columbus, OH 43218-2125

Comenity Bank / Pottery Barn
 PO Box 182125
 Columbus, OH 43218-2125

Credit First / Firestone
 PO Box 81083
 Cleveland, OH 44181-0083

Credit First NA
 PO Box 818011
 Cleveland, OH 44181-8011

Credit One Bank
 PO Box 98873
 Las Vegas, NV 89193-8873

Department Store National Bank c/o Quantum3
 PO Box 657
 Kirkland, WA 98083-0657

Discover Bank
 Discover Products Inc
 PO Box 3025
 New Albany, OH 43054-3025

Discover Card
 PO Box 3025
 New Albany, OH 43054-3025

Eastfield Pediatric Dentistry
 8631 Arbor Creek Dr. Ste D3
 Charlotte, NC 28269-0548

Ford Motor Credit
 c/o Correspondence
 PO Box 542000
 Omaha, NE 68154-8000

(p) FORD MOTOR CREDIT COMPANY
 PO BOX 62180
 COLORADO SPRINGS CO 80962-2180

Home Depot/CBSD
 PO Box 6497
 Sioux Falls, SD 57117-6497

Internal Revenue Service
 Centralized Insolvency
 PO Box 7346
 Philadelphia, PA 19101-7346

Internal Revenue Service
 P.O. Box 7317
 Philadelphia, PA 19101-7317

Kohl's / Capital One
 PO Box 3115
 Milwaukee, WI 53201-3115

Lincoln Automotive Financial Services
 P. O. Box 62180
 Colorado Springs, CO 80962-2180

Lincoln Financial Auto
The American Road
Mail Drop 7340
Dearborn, MI 48126

Macy's Document
PO Box 8053
Mason, OH 45040-8053

Mecklenburg Radiology
P. O. Box 221249
Charlotte, NC 28222-1249

Midland Funding LLC
PO Box 2011
Warren, MI 48090-2011

Midland Funding, LLC
8875 Aero Drive Ste 200
San Diego, CA 92123-2255

MinuteClinic Diagnostic of NC
PO Box 329
Woonsocket, RI 02895-0781

NC Dept. of Revenue
Bankruptcy Unit
PO Box 1168
Raleigh, NC 27602-1168

Nordstrom's
PO Box 13589
Scottsdale, AZ 85267-3589

North Carolina Department of Revenue
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Novant Medical Group
PO Box 30143
Charlotte, NC 28230-0143

OrthoCarolina, PA
PO Box 602179
Charlotte, NC 28260-2179

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Publishers Clearing House
c/o Penn Credit
PO Box 988
Harrisburg, PA 17108-0988

SYNCB / Amazon
Attn: Bankruptcy Dept
PO Box 965060
Orlando, FL 32896-5060

SYNCB / Banana Republic
Attn: Bankruptcy Dept
PO Box 965060
Orlando, FL 32896-5060

SYNCB / Belk
Attn: Bankruptcy Dept
PO Box 965060
Orlando, FL 32896-5060

SYNCB / Care Credit
PO Box 965036
Orlando, FL 32896-5036

SYNCB / Lowes
Attn: Bankruptcy Dept
PO Box 965060
Orlando, FL 32896-5060

SYNCB / TJX Rewards
PO Box 965060
Orlando, FL 32896-5060

Sessoms & Rogers, P.A.
PO Box 110564
Durham, NC 27709-5564

South Charlotte Dermatology
10370 Park Road, Ste. 201
Charlotte, NC 28210-8509

Sunoco / CitiBank
PO box 6497
Sioux Falls, SD 57117-6497

Synchrony Bank
c/o Recovery Management Systems Corp. x
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131-1605

TD Bank USA / Target
c/o Brock & Scott, PLLC
1315 Westbrook Plaza Dr.
Winston Salem, NC 27103-1357

The Children's Place
PO Box 6403
Sioux Falls, SD 57117-6403

Union County Tax Collector
P. O. Box 38
Monroe, NC 28111-0038

Vincent Tabone
1588 Colony Court
Palm Harbor, FL 34683-6326

Vincent Tabone
c/o Weaver Bennett & Bland
PO Box 2570
Matthews, NC 28106-2570

Wells Fargo Bank, N.A.
3476 Stateview Blvd
Attn: Bankruptcy Dept. MAC #D3347-0
Fort Mill, SC 29715-7200

Wells Fargo Bank, N.A.
Attention: Bankruptcy Department
MAC# D3347-014
3476 Stateview Blvd
Fort Mill, SC 29715-7203

Wells Fargo Bank, N.A.
 PO Box 659558
 San Antonio, TX 78265-9558

Wells Fargo Home Mortgage
 PO Box 10335
 Des Moines, IA 50306-0335

Denise Agnese Thalacker
 8806 Silver Charm Lane
 Waxhaw, NC 28173-6663

Kevin Roger Thalacker
 8806 Silver Charm Lane
 Waxhaw, NC 28173-6663

Matthew H. Crow
 The Crow Law Firm
 315-B North Main Street
 Monroe, NC 28112-4727

Vincent Tabone
 c/o William G. Whittaker
 Weaver, Bennett & Bland, PA
 P.O. Box 2570
 Matthews, NC 28106-2570

Warren L. Tadlock
 6970 Fairview Road, Suite 650
 Charlotte, NC 28210-2100

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Ford Motor Credit Company, LLC
 Dept 55953
 P.O. Box 55000
 Detroit, MI 48255-0953

Portfolio Recovery Assoc.
 PO Box 41067
 Norfolk, VA 23541-1067

(d)Portfolio Recovery Associates, LLC
 POB 41067
 Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Wells Fargo Bank, NA	End of Label Matrix	
	Mailable recipients	66
	Bypassed recipients	1
	Total	67